IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

JUDGMENT

1. D.B. CIVIL SPECIAL APPEAL (WRIT) NO.579/2006
Ramdev & Anr. Vs. Municipal Board, Suratgarh

2. D.B. CIVIL SPECIAL APPEAL (WRIT) NO.580/2006
Shyam Sunder Vs. Municipal Board, Suratgarh

3. D.B. CIVIL SPECIAL APPEAL (WRIT) NO.581/2006
Shyam Sunder Vs. Municipal Board, Suratgarh

4. D.B. CIVIL SPECIAL APPEAL (WRIT) NO.582/2006
Rajeev Kumar Vs. Municipal Board, Suratgarh

5. D.B. CIVIL SPECIAL APPEAL (WRIT) NO.583/2006
Gourishanker Vs. Municipal Board, Suratgarh

Date of judgment : 17th October, 2006

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Kailash Khatri for the appellants.
Mr. P.R. Mehta for the respondent.

BY THE COURT (PER HON'BLE RAJESH BALIA, J.)

Heard learned counsel for the parties.

These five appeals have been preferred in the

like circumstances. The petitioner-appellants in each case had preferred writ petition challenging the auction notice issued by Municipal Board, Suratgarh. The appeals were preferred against the rejection of application for interim relief inter alia on the ground that 6 similar petitions were filed while the learned Single Judge has granted interim order in S.B. Civil Writ Petition No.5811/2003, Gulshan Ali & Anr. Vs. Municipal Board Suratgarh and also confirmed the ad interim order passed in that writ petition raising identical issues in respect of the very same auction notice. The rejection of prayer for interim relief was not justified.

Ordinarily it is expected the courts to maintain uniformity of orders in the like matters coming before it. By considering the aforesaid aspect, the petitioner-appellants' appeals were admitted and interim order was granted that the order passed in Gulshan Ali's case also governs the case of appellants.

During the course of hearing, it was brought to our notice that in Gulshan Kumar's case an ad interim

ex-parte order was made on 14.10.2003 which is as under:-

> "Any auction made by the respondent will be subject to the decision of this writ petition."

This order dated 14.10.2003 was confirmed vide order dated 4.8.2006.

We are of the opinion that aforesaid order is not by way of any interim relief. Any auction taken by the parties during the pendency of the lis before the Court in relation to the subject matter of lis is always subject to the final decision of the said lis. Therefore, it is misnomer to call the order passed on 14.10.2003 confirmed by the order dated 4.8.2003 as an order by way of interim relief. Any action by the parties to writ or their successor in interest in relation to the subject matter of the writ petition out of which these present appeals have arisen will also be as usual subject to outcome of the writ petition.

Subject to above observations, the appeals are disposed of.

No order as to costs.

[GOPAL KRISHAN VYAS], J. [RAJESH BALIA], J.

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